

REFERENCE TITLE: election laws; secretary of state

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1395

Introduced by
Senator Jarrett

AN ACT

AMENDING SECTIONS 16-321, 16-449, 16-642, 16-648 AND 16-902.01, ARIZONA REVISED STATUTES; RELATING TO ELECTIONS AND ELECTORS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 16-321, Arizona Revised Statutes, is amended to
3 read:

4 16-321. Signing and certification of nomination petition

5 A. Each signer of a nomination petition shall sign only one petition
6 for the same office unless more than one candidate is to be elected to such
7 office, and in that case not more than the number of nomination petitions
8 equal to the number of candidates to be elected to the office. A signature
9 shall not be counted on a nomination petition unless the signature is upon a
10 sheet bearing the form prescribed by section 16-314.

11 B. For the purposes of petitions filed pursuant to sections 16-312,
12 16-313, 16-314 and 16-341, each signer of a nomination petition shall be a
13 voter who at the time of signing is a registered voter in the electoral
14 district of the office the candidate is seeking.

15 C. If an elector signs more nomination petitions than permitted by
16 subsection A of this section, the earlier signatures of the elector are
17 deemed valid, as determined by the date of the signature as shown on the
18 petitions. If the signatures by the elector are dated on the same day, all
19 signatures by that elector on that day are deemed invalid. Any signature by
20 that elector on a nomination petition on or after the date of the last
21 otherwise valid signature is deemed invalid and shall not be counted.

22 D. The person before whom the signatures were written on the signature
23 sheet shall be qualified to register to vote in this state pursuant to
24 section 16-101 and shall verify that each of the names on the petition was
25 signed in his presence on the date indicated, and that in his belief each
26 signer was a qualified elector who resides at the address given as the
27 signer's residence on the date indicated and, if for a partisan election,
28 that each signer is a member of the party the nomination of which the
29 candidate whose name appears on the nomination petition is seeking, OR IS A
30 PERSON WHO IS REGISTERED AS NO PARTY PREFERENCE OR INDEPENDENT AS THE PARTY
31 PREFERENCE OR WHO IS REGISTERED WITH A POLITICAL PARTY THAT IS NOT QUALIFIED
32 FOR REPRESENTATION ON THE BALLOT. The way the name appears on the petition
33 shall be the name used in determining the validity of the name for any legal
34 purpose pursuant to the election laws of this state. Signature and
35 handwriting comparisons may be made.

36 Sec. 2. Section 16-449, Arizona Revised Statutes, is amended to read:

37 16-449. Required test of equipment and programs; notice;
38 procedures manual

39 A. Within the period of time before ~~the election day prescribed by the~~
40 ~~secretary of state in the instructions and procedures manual adopted pursuant~~
41 ~~to section 16-452~~ VOTING EQUIPMENT IS USED FOR EARLY VOTING AND ON ELECTION
42 DAY, the board of supervisors or other election officer in charge, ~~or for an~~
43 ~~election involving state or federal candidates, the secretary of state,~~ shall
44 have the ~~automatic~~ VOTING AND tabulating equipment and programs tested to
45 ascertain that the equipment and programs will correctly count the votes cast

1 for all offices and on all measures. FOR AN ELECTION INVOLVING STATE OR
2 FEDERAL CANDIDATES OR MEASURES AND WITHIN THAT SAME PERIOD OF TIME, THE
3 SECRETARY OF STATE SHALL ALSO TEST VOTING AND TABULATING EQUIPMENT AND
4 PROGRAMS TO VERIFY ONLY THOSE VOTES CAST FOR STATE AND FEDERAL CANDIDATES AND
5 MEASURES. Public notice of the time and place of the test shall be given at
6 least forty-eight hours prior thereto by publication once in one or more
7 daily or weekly newspapers published in the town, city or village using such
8 equipment, if a newspaper is published therein, otherwise in a newspaper of
9 general circulation therein. The test shall be observed by at least two
10 election inspectors, who shall not be of the same political party, and shall
11 be open to representatives of the political parties, candidates, the press
12 and the public. The ~~test~~ EQUIPMENT shall be ~~conducted~~ TESTED by processing a
13 preaudited NUMBER OF VALID VOTES OR group of ballots so ~~punched~~~~or~~ marked as
14 to record a predetermined number of valid votes for each candidate and on
15 each measure and shall include for each office one or more ballots which have
16 votes in excess of the number allowed by law in order to test the ability of
17 the ~~automatic tabulating~~ equipment and programs to reject such votes. If any
18 error is detected, the cause therefor shall be ascertained and corrected and
19 an errorless count shall be made before the automatic tabulating equipment
20 and programs are approved. A copy of a revised program shall be filed with
21 the secretary of state within forty-eight hours after the revision is made.
22 If the error was created by automatic tabulating equipment malfunction, a
23 report shall be filed with the secretary of state within forty-eight hours
24 after the correction is made, stating the cause and the corrective action
taken. The ~~test shall be repeated~~ BOARD OF SUPERVISORS OR OTHER OFFICER IN
26 CHARGE OF ELECTIONS SHALL REPEAT THE TEST immediately ~~before the start of~~
27 AFTER the official count of the ballots in the same manner as set forth above
28 TO ASCERTAIN THAT THE EQUIPMENT AND PROGRAMS CORRECTLY COUNTED THE VOTES CAST
29 FOR THE OFFICES AND MEASURES. After the completion of the count, the
30 programs used and the ballots shall be sealed, retained and disposed of as
31 provided for paper ballots.

32 B. ~~Electronic ballot tabulating systems shall be tested for logic and~~
33 ~~accuracy within seven days before their use for early balloting pursuant to~~
34 ~~the instructions and procedures manual for electronic voting systems that is~~
35 ~~adopted by the secretary of state as prescribed by section 16-452.~~ The
36 instructions and procedures manual shall include procedures for the handling
37 of ballots, the electronic scanning of ballots and any other matters
38 necessary to ensure the maximum degree of correctness, impartiality and
39 uniformity in the administration of an electronic ~~ballot tabulating~~ VOTING
40 system.

41 Sec. 3. Section 16-642, Arizona Revised Statutes, is amended to read:
42 16-642. Canvass of election; postponements

43 A. The governing body holding an election shall MEET AND canvass the
44 election not less than six days nor more than ~~fifteen~~ TWENTY days following
45 the election.

1 B. The governing body of a special district as defined in title 48
2 shall present to the board of supervisors a certified copy of the official
3 canvass of the election at the next regularly scheduled meeting of the board
4 of supervisors. For purposes of contesting a special district election as
5 described in section 16-673, the canvass is not complete until the
6 presentation to the board of supervisors is made.

7 C. If, at the time of the meeting of the governing body, the returns
8 from any polling place in the election district where the polls were opened
9 and an election held are found to be missing, the canvass shall be postponed
10 from day to day until all the returns are received or until six postponements
11 have been had.

12 Sec. 4. Section 16-648, Arizona Revised Statutes, is amended to read:
13 16-648. Canvass for state offices, amendments and measures;
14 postponement

15 A. On the ~~third~~ FOURTH Monday following a general election, the
16 secretary of state, in the presence of the governor and the attorney general,
17 shall canvass all offices for which the nominees filed nominating petitions
18 and papers with the secretary of state pursuant to section 16-311, subsection
19 B.

20 B. The secretary of state, in the presence of the governor and the
21 chief justice of the supreme court, shall canvass all proposed constitutional
22 amendments and initiated or referred measures, as shown by the certified
23 copies of official canvass received from the several counties, and forthwith
24 certify the result to the governor.

25 C. If the official canvass of any county has not been received on the
26 ~~third~~ FOURTH Monday following the general election, the canvass shall be
27 postponed from day to day, not to exceed thirty days from the date of the
28 election, until canvasses from all counties are received.

29 Sec. 5. Section 16-902.01, Arizona Revised Statutes, is amended to
30 read:

31 16-902.01. Registration of political committees: contents;
32 amendment

33 A. Each political committee that intends to accept contributions or
34 make expenditures of more than five hundred dollars shall file a statement of
35 organization with the filing officer before accepting contributions, making
36 expenditures, distributing any campaign literature or circulating petitions.
37 Each political committee that intends to accept contributions or make
38 expenditures of five hundred dollars or less shall file a signed exemption
39 statement in a form prescribed by the filing officer that states that
40 intention before making any expenditures, accepting any contributions,
41 distributing any campaign literature or circulating petitions. If a
42 political committee that has filed a five hundred dollar threshold exemption
43 statement receives contributions or makes expenditures of more than five
44 hundred dollars, that political committee shall file a statement of

1 organization with the filing officer within five business days after
2 exceeding the five hundred dollar limit.

3 B. The statement of organization of a political committee shall
4 include all of the following:

5 1. The name, address and type of committee.

6 2. The name, address, relationship and type of any sponsoring
7 organization.

8 3. The names, addresses, telephone numbers, occupations and employers
9 of the chairman and treasurer of the committee.

10 4. In the case of a candidate's campaign committee, the name, address,
11 office sought and party affiliation of the candidate.

12 5. A listing of all banks, safety deposit boxes or other depositories
13 used by the committee.

14 C. Except as prescribed by subsection E, on the filing of a statement
15 of organization, a political committee shall be issued an identification
16 number.

17 D. The political committee shall file an amended statement of
18 organization reporting any change in the information prescribed in subsection
19 B within five business days after the change.

20 E. A standing political committee shall file a statement of
21 organization with the secretary of state and in each jurisdiction in which
22 the committee is active, and only the secretary of state shall issue an
23 identification number for the committee. The statement of organization shall
24 include a statement with the notarized signature of the chairman or treasurer
25 of the standing political committee that declares the committee's status as a
26 standing political committee. The secretary of state may charge an annual
27 fee for the filing.

28 F. For a political committee that makes expenditures in an attempt to
29 influence the results of a ballot proposition election, the statement of
30 organization shall include in the name of the political committee **THE
31 OFFICIAL SERIAL NUMBER FOR THE PETITION OR THE NUMBER ASSIGNED PURSUANT TO
32 SECTION 19-125, SUBSECTION B AND** a statement as to whether the political
33 committee supports or opposes the passage of the ballot measure. **IF A
34 POLITICAL COMMITTEE FILES A STATEMENT OF ORGANIZATION BEFORE AN OFFICIAL
35 SERIAL NUMBER HAS BEEN ISSUED FOR A PETITION OR THE NUMBER HAS BEEN ASSIGNED
36 PURSUANT TO SECTION 19-125, SUBSECTION B, THE POLITICAL COMMITTEE MAY LEAVE
37 THAT PORTION OF THE STATEMENT OF ORGANIZATION BLANK.** Within five days after
38 receipt of an official serial number for the petition, the political
39 committee shall file an amended statement of organization that contains the
40 official serial number for the petition.